

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS LLC * November 30, 2020
*
VS. * CIVIL ACTION NOS.
*
MICROSOFT CORPORATION * W-20-CV-545 thru 465

BEFORE THE HONORABLE ALAN D ALBRIGHT
TELEPHONIC DISCOVERY HEARING

APPEARANCES:

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03:44 1 suburb of Dallas. It doesn't seem unreasonable at all that
03:44 2 their reviewers travel to Dallas.

03:44 3 THE COURT: Okay. So let me hear from plaintiff's
03:44 4 counsel.

03:44 5 If your source code reviewers are close to Dallas, what is
03:44 6 the problem with having it done in Dallas?

03:44 7 MR. ETHERIDGE: Most of our source code review people are
03:44 8 in Austin. What makes it difficult in Dallas is not -- is that
03:44 9 the code right now is being produced. We do not have a
03:44 10 protective order in this case. Microsoft's only agreed to let
03:44 11 us look at the code if we abide by their proposal -- their
03:44 12 proposed changes, which is quite cumbersome, and that
03:44 13 includes -- like I said, that even if you fly, you must have
03:45 14 a -- you must have been tested within the last 14 days. And
03:45 15 Sidley has their own rules on top of that. Our people are in
03:45 16 Austin. In the last case where we had lots of source code and
03:45 17 related to Google, they produced their source code in Austin.
03:45 18 It made it far easier for everybody, given the conditions and
03:45 19 the restrictions, that it be in Austin. That --

03:45 20 THE COURT: Mr. Shelton, would it be possible to produce
03:45 21 it at your office in Austin?

03:45 22 MR. SHELTON: Unfortunately not, Your Honor. I have had
03:45 23 that request before, and the problem is that I do not have a
03:45 24 conference room, and so my office is -- that I'm sitting in
03:45 25 right now is literally one office, and so it would mean that I

03:56 1 doesn't -- it sounds like Austin might be a location that's
03:56 2 convenient for at least some of plaintiff's folks to work out
03:56 3 of, but there's not a place in Austin that is particularly
03:56 4 workable in terms of the source code.

03:56 5 So let me hear from plaintiff what your suggestion is,
03:56 6 what you would want me to -- where would you want me to order
03:56 7 Microsoft to produce this at?

03:56 8 MR. ETHERIDGE: Well, there's a couple of thoughts there.
03:56 9 One is two -- two of the people we've disclosed are -- you
03:56 10 know, are either in Austin. The fellow that was up in the
03:56 11 Dallas area's already gone back to Austin. 95 percent of our
03:56 12 code reviewers, probably a dozen of them -- and we're going to
03:56 13 need to use all of them -- are located in Austin. We heard
03:56 14 Barry tell us that Microsoft is also in Austin. I don't know.
03:57 15 They probably have locations that they feel safe and secure
03:57 16 producing their own code. If they don't want to do that --

03:57 17 THE COURT: Let me ask. Mr. Shelton, is there a reason
03:57 18 why -- I know Microsoft -- I've heard Microsoft is in Austin.
03:57 19 They must be. I'm not sure where that is. Is there a reason
03:57 20 why this code could not be made available on the -- does
03:57 21 Microsoft have a building, a campus? I don't know what they
03:57 22 have here. Is there a location at Microsoft where Microsoft
03:57 23 could keep their source code safe, obviously, because it's
03:57 24 at -- but also make it available for review?

03:57 25 MR. SHELTON: Your Honor, there is a Microsoft store in

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4 I, Kristie M. Davis, Official Court Reporter for the
5 United States District Court, Western District of Texas, do
6 certify that the foregoing is a correct transcript from the
7 record of proceedings in the above-entitled matter.

8 I certify that the transcript fees and format comply with
9 those prescribed by the Court and Judicial Conference of the
10 United States.

11 Certified to by me this 3rd day of December 2020.

12
13 /s/ Kristie M. Davis
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